IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2391 OF 2005

Macchindra Gangaram Gatkal & ors... Applicants

versus

The State of Maharashtra ... Respondent

...

Ms. Shaikh Sartaj, for the Applicant.

Mr. A.S. Gadkari, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

21st April 2005

P.C.:

. Heard Counsel for the parties. Perused the record. Indeed, the offence in question is serious one. However, even accepting the prosecution case as it is, it is seen that no specific role has been ascribed to the present Applicants who are accused Nos. 3, 4 and 7. Moreover, the prosecution case is that accused No.1, along with accused No.2, had assaulted the

deceased by sword. It is after that incident was complete that the Applicants herein are stated to have arrived on the scene with stumps and sticks and assaulted the deceased with fists and blows. There are cross cases between the parties. Investigation is complete. There are no antecedents against the present Applicants. Besides, Applicant No.2 - Accused No. 4, is of tender age (19 years). Taking overall view of the matter, the Applicants deserve to be enlarged on bail on the following conditions.

(A) The Applicants are directed to be enlarged on bail in connection with CR.No.94/2004 registered with Igatpuri Police Station on executing personal bond in the sum of Rs.10,000/- (Rupees ten thousand only) each with two local sureties in the like amount.

(B) The Applicants shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(C) The Applicants shall report to the investigating officer once in fortnight on Sunday between 10 a.m. to 1 p.m. This condition is essential as it has come on record that both parties are staying in same locality. This condition would facilitate maintaining peace in the locality though the Applicants are released on bail.

(D) The Applicants shall co-operate for early disposal of the trial. If the trial Court is of the opinion that the Applicants are responsible for the delay in disposal of the trial, that opinion be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)